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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,330	01/29/2004	Atsushi Fujimaki	Q79647	1255
23373	7590	02/24/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			NOLAN JR, CHARLES H	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/766,330

Applicant(s)

FUJIMAKI ET AL.

Examiner

Charles H. Nolan, Jr.

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8-20-04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,4-6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Nishinohara et al. (6,082,847, hereafter '847).

With respect to Claim 1, '847 teaches the print performing unit in the Abstract, the apparatus name information storing unit in column 7, lines 20-26 and the request responding unit in column 9, lines 1-7. With respect to Claims 4-6, '847 teaches the print performing unit in the Abstract and the output request responding unit in his claim 9 (information output means) and column 10, lines 1-4 and 12-14. It is noted that the LED 72 operates as a device ID as broadly recited in Claims 5-6.

3. Claims 10 and 12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kojima (5,177,603).

With respect to Claims 10 and 12, Kojima teaches the printer in his claim 1, the receiving unit 1 on the front page diagram, the determining unit in figure 1a @ c and e and the printing control unit in his claim 1(see deleting means and wherein clause).

4. Claims 1-3,7-9 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by EP 1 219 441 A2 (hereafter '441).

With respect to Claim 1, '441 teaches the print performing unit in the Abstract, the apparatus name information storing unit S105 in figure 11 and the request responding unit S150 in figure 11. With respect to Claim 2, '441 teaches the rewriteable storing unit S135 in figure 11 and the functional language recited after "wherein" in the Abstract and figures 10-13. With respect to Claim 3, '441 teaches the rewriting unit in the Abstract ("... stores the ink type information thus read when the ink type information is not stored"). With respect to Claim 7, '441 teaches the rewriteable nonvolatile storing unit S315 in figure 13 and the control part (CPU) in figure 10. With respect to Claim 8, '441 teaches the control part function in figure 11. With respect to Claim 9, it is noted that the residual ink amount in the ink cartridge is related to the number of prints formed in the past as taught by '441 in figure 13 @ S335-S345.

Allowable Subject Matter

5. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: The Examiner reserves comment until the entire instant application is in condition for allowance.

Claim Objections

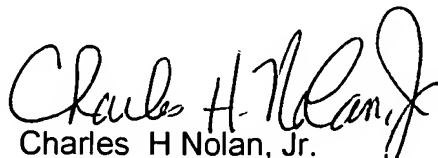
7. Claims 11-12 are objected to because of the following informalities: Claim 11, line 4 recites "pint." Perhaps, Applicant meant to recite - - print - -. Claim 12, line 25 has words that are not properly spaced from each other. Appropriate correction is required.

Art Unit: 2854

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles H. Nolan, Jr. whose telephone number is 571-272-2171. The examiner can normally be reached on Monday through Thursday 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Charles H Nolan, Jr.
Primary Examiner
Art Unit 2854

CHN